

341.3
Un35i
v.1

International Traffic in Arms

LAWS AND REGULATIONS
ADMINISTERED BY THE SECRETARY OF STATE
GOVERNING THE INTERNATIONAL TRAFFIC
IN ARMS, AMMUNITION, AND
IMPLEMENTS OF WAR

Aggravated Assault on a Police Officer

§ 120.10 Aggravated Assault on a Police Officer
A person is guilty of aggravated assault on a police officer when he intentionally or recklessly assaults a police officer who is acting in the lawful discharge of his duties.

§ 120.10(1) Aggravated Assault on a Police Officer
A person is guilty of aggravated assault on a police officer when he intentionally or recklessly assaults a police officer who is acting in the lawful discharge of his duties.



Enacted by the People of the State of New York
January 1, 1992

THE DEPARTMENT OF STATE

International Traffic in Arms

LAWS AND REGULATIONS
ADMINISTERED BY THE SECRETARY OF STATE
GOVERNING THE INTERNATIONAL TRAFFIC
IN ARMS, AMMUNITION, AND
IMPLEMENTS OF WAR

THE LIBRARY OF THE
NOV 23 1935
UNIVERSITY OF ILLINOIS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1935

LIBRARY
OF THE
UNIVERSITY OF ILLINOIS

THE LIBRARY OF THE

PUBLICATION No. 787

UNIVERSITY OF ILLINOIS



341.3

Un35i

v.1

CONTENTS

	Page
Introductory statement.....	v
SECTION I	
Section 2 of the joint resolution approved by the President August 31, 1935.....	1
SECTION II	
The President's proclamation of September 25, 1935.....	3
SECTION III	
General regulations.....	4
SECTION IV	
Records of manufacture, export, and import.....	14
SECTION V	
Special provisions regarding military secrets.....	14
SECTION VI	
Special provisions regarding naval armament.....	15
SECTION VII	
Special provisions regarding China, Cuba, Honduras, and Nicaragua..	15
SECTION VIII	
Special provisions regarding Bolivia and Paraguay.....	18

III

928667

INTRODUCTORY STATEMENT

The Secretary of State announces that the regulations contained herein supersede, as of this date, all previous regulations in respect to the exportation of arms to Bolivia, China, Cuba, Honduras, Nicaragua, and Paraguay, as prescribed pursuant to the joint resolution of Congress approved January 31, 1922, and the Presidential proclamations issued thereunder, and to the joint resolution of Congress approved May 28, 1934, and the Presidential proclamation issued thereunder. Applications for export licenses for shipments to these countries should therefore be submitted in accordance with these regulations.

In respect to the importation of arms, these regulations do not become effective, under the joint resolution of Congress approved August 31, 1935, until November 29, 1935. Applications for import licenses will, however, be received and acted upon by the Secretary of State before this date in order to obviate delay and inconvenience to the importer.

In respect to the exportation of arms to countries other than Bolivia, China, Cuba, Honduras, Nicaragua, and Paraguay, these regulations do not become effective, under the joint resolution of Congress approved August 31, 1935, until November 29, 1935. Applications for export licenses will, however, be received and acted upon by the Secretary of State before this date in order to obviate delay and inconvenience to the exporter.

October 10, 1935.

INTERNATIONAL TRAFFIC IN ARMS

LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Section I

SECTION 2 OF THE JOINT RESOLUTION APPROVED BY THE PRESIDENT AUGUST 31, 1935

Section 2 of the joint resolution approved by the President on August 31, 1935, reads as follows:

“That for the purposes of this Act—

“(a) The term ‘Board’ means the National Munitions Control Board which is hereby established to carry out the provisions of this Act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this Act, or by other law, the administration of this Act is vested in the Department of State;

“(b) The term ‘United States’ when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia;

“(c) The term ‘person’ includes a partnership, company, association, or corporation, as well as a natural person.

“Within ninety days after the effective date of this Act, or upon first engaging in business, every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, and implements of war referred to in this Act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

“Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, and implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$500, and upon receipt of such fee the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment of each renewal of a fee of \$500.

"It shall be unlawful for any person to export, or attempt to export, from the United States any of the arms, ammunition, or implements of war referred to in this Act to any other country or to import, or attempt to import, to the United States from any other country any of the arms, ammunition, or implements of war referred to in this Act without first having obtained a license therefor.

"All persons required to register under this section shall maintain, subject to the inspection of the Board, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Board shall prescribe.

"Licenses shall be issued to persons who have registered as provided for, except in cases of export or import licenses where exportation of arms, ammunition, or implements of war would be in violation of this Act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

"The Board shall be called by the Chairman and shall hold at least one meeting a year.

"No purchase of arms, ammunition, and implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this Act.

"The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. It shall include a list of all persons required to register under the provisions of this Act, and full information concerning the licenses issued hereunder.

"The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions.

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

"This section shall take effect on the ninetieth day after the date of its enactment."

Section 7 of the same joint resolution reads as follows:

"In every case of the violation of any of the provisions of this Act where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Section II

THE PRESIDENT'S PROCLAMATION OF SEPTEMBER 25, 1935

The President's proclamation of September 25, 1935, made pursuant to the final paragraph of section 2 of the joint resolution of August 31, 1935, reads as follows:

"BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

"A PROCLAMATION

"WHEREAS section 2 of a joint resolution of Congress, entitled 'JOINT RESOLUTION Providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war', approved August 31, 1935, provides in part as follows:

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section',

"NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall be considered arms, ammunition, and implements of war for the purposes of section 2 of the said joint resolution of Congress:

"Category I

"(1) Rifles and carbines using ammunition in excess of cal. 26.5, and their barrels;

"(2) Machine guns, automatic rifles, and machine pistols of all calibers, and their barrels;

"(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

"(4) Ammunition for the arms enumerated under (1) and (2) above, i. e., high-power steel-jacketed ammunition in excess of cal. 26.5; filled and unfilled projectiles and propellants with a web thickness of .015 inch or greater for the projectiles of the arms enumerated under (3), above;

"(5) Grenades, bombs, torpedoes, and mines, filled or unfilled, and apparatus for their use or discharge;

"(6) Tanks, military armored vehicles, and armored trains.

"Category II

"Vessels of war of all kinds, including aircraft carriers and submarines.

"Category III

"(1) Aircraft, assembled or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2), below.

"(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

"Category IV

"Revolvers and automatic pistols of a weight in excess of 1 pound 6 ounces (630 grams), using ammunition in excess of cal. 26.5, and ammunition therefor.

"Category V

"(1) Aircraft assembled or dismantled, both heavier and lighter than air, other than those included in category III;

"(2) Propellers or air screws, fuselages, hulls, tail units, and under carriage units;

"(3) Aircraft engines.

"Category VI

"(1) Livens projectors and flame throwers;

"(2) Mustard gas, lewisite, ethyldichlorarsine, and methyldichlorarsine.

"IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

"DONE at the City of Washington this 25th day of September, in the year of our Lord nineteen hundred and thirty-five, [SEAL] and of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D ROOSEVELT

"By the President:

"CORDELL HULL

"Secretary of State."

Section III

GENERAL REGULATIONS

In compliance with that paragraph of section 2 of the joint resolution approved August 31, 1935, which requires the Secretary of State to promulgate such rules and regulations with regard to the enforcement of that section as he may deem necessary to carry out its provisions, the Secretary of State, after consultation with the other members of the National Munitions Control Board, promulgates the following regulations:

(1) On or before November 29, 1935, or thereafter upon first engaging in the business of manufacturing, exporting, or importing any of

the arms, ammunition, or implements of war enumerated in the President's proclamation of September 25, 1935, all persons engaged in the manufacture, exportation, or importation of any of these articles shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration in the form printed below. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary.

REGISTRATION NUMBER

(Not to be filled in by the applicant)

United States of America

DEPARTMENT OF STATE

APPLICATION FOR REGISTRATION

For Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, and Implements of War, Pursuant to Section 2 of the Joint Resolution of Congress Approved by the President August 31, 1935.

(The applicant shall fill in all of the following spaces)

- (1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person)
- (2) Principal place of business:
- (3) Other places of business in the United States:
- (4) The applicant is engaged in the ^{manufacture}importation_{exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)
- (5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of September 25, 1935.)

Category I

Category II

Category III

Category IV

Category V

Category VI

The above list includes all articles defined as arms, ammunition, and implements of war by the President's proclamation of September 25, 1935, which are manufactured, imported, or exported by the undersigned.

(Signature)
(If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Signed and sealed in my presence this ----- day of -----, 19-----

(Notary public)

The registration fee of \$500 is transmitted herewith in the form of {certified check}
{money orders} -----
(Checks should be made payable to the order of the Secretary of State.)

(Perforation)

REGISTRATION NUMBER

(Not to be filled in by the applicant)

United States of America

DEPARTMENT OF STATE

CERTIFICATE OF REGISTRATION

For Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, and Implements of War, Pursuant to Section 2 of the Joint Resolution of Congress Approved by the President August 31, 1935.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person)

(2) Principal place of business:

(3) Other places of business in the United States:

(4) The applicant is engaged in the {manufacture}
{importation}
{exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of September 25, 1935.)

Category I

Category II

Category III

Category IV

Category V

Category VI

(These spaces are not to be filled in by the applicant)

This certifies that the person named above has registered in compliance with the provisions of the joint resolution of Congress approved August 31, 1935, and has paid the required registration fee of \$500. This certificate is valid for a period of 5 years from -----

FOR THE SECRETARY OF STATE:

(SEAL)

By -----

(2) Applications for registration transmitted to the Secretary of State must be accompanied by a registration fee of \$500 in the form of money orders or a certified check. Checks should be made payable to the order of the Secretary of State.

(3) Upon receipt of an application for registration, and the appended certificate of registration, duly filled out and accompanied by a registration fee of \$500, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. This certificate of registration must be conspicuously displayed at the principal place of business of the person registered.

(4) Every person registered shall notify the Secretary of State of any change in the list of arms, ammunition, and implements of war which he manufactures, exports, or imports, and, upon such notification, the Secretary of State will issue to such person an amended certificate of registration free of charge, which will remain valid until the date of expiration of the original certificate issued to him.

(5) The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 2 of the joint resolution.

(6) The provisions of these regulations shall be considered as binding in addition to, and not in lieu of, those established under the act known as "The National Firearms Act" (48 Stat. 1236), approved by the President June 26, 1934. This act imposes certain taxes and restrictions upon the manufacture of, importation of, and commerce in certain firearms which are defined as "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition." Rules and regulations for the enforcement of this act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(7) No person not registered under section 2 shall export or import any of the arms, ammunition, or implements of war listed in the President's proclamation of September 25, 1935. All persons registered shall obtain from the Secretary of State a license to cover each shipment exported or imported. Blank forms of application for license similar to those printed below will be furnished by the Secretary of State upon request.

DEPARTMENT OF STATE

United States of America

APPLICATION FOR LICENSE TO EXPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

(*Application to be made in duplicate*)

ORIGINAL

APPLICANT'S REGISTRATION NO. -----	----- (Insert here name of country of destination)	LICENSE NO. ----- (For official use only)
------------------------------------	---	--

GENERAL INSTRUCTIONS

- (a) One duplicate application should be made for each complete shipment to any one consignee and may cover more than one commodity, but may not cover shipments to more than one country.
 - (b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.
 - (c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
 - (d) Commodities appearing under (6) below should be listed under the same categories and in the same terms as they appear in the President's proclamation of September 25, 1935, unless they are not covered by this proclamation.
 - (e) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.
 - (f) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.
 - (g) When countersigned and impressed with the seal of the Department of State this application becomes a license.
-

[illegible]

Date of license _____
(For official use only)

(When countersigned and impressed with the seal of the Department of State this application becomes a license.)

FOR THE SECRETARY OF STATE:

By _____

(For official use only)

DEPARTMENT OF STATE

United States of America

APPLICATION FOR LICENSE TO IMPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

(Application to be made in duplicate)

ORIGINAL

APPLICANT'S REGISTRATION NO.	----- (Insert here name of country of origin)	LICENSE NO. (For official use only)
-----------------------------------	--	---

GENERAL INSTRUCTIONS

- (a) One duplicate application should be made for each complete shipment imported and may cover more than one commodity, but may not cover shipments from more than one country.
- (b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.
- (c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.
- (d) Commodities appearing under (6) below should be listed under the same categories and in the same terms as they appear in the President's proclamation of September 25, 1935.
- (e) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.
- (f) Any attempt to import a commodity differing in any way from that licensed, or any alteration of a license in an attempt to import without a license, is punishable under appropriate acts of Congress.
- (g) When countersigned and impressed with the seal of the Department of State this application becomes a license.

(2) Applicant's Reference No.

(3) Name of applicant By

(3) Name of applicant _____ (To be signed in ink) By _____

(To be signed in ink)

(4) Consignor in foreign country { Name _____ (Nationality _____
Address { Street _____ State or province _____

47. Consignor in foreign country	Address	State or province
	City	Country
	Name	Nationality

(5) Seller in foreign country-----	Name-----	Nationality-----
	Address {	Street-----
		City-----
		State or province-----
		Country-----

(6) Commodity and quantity thereof (to be listed as indicated under instruction (d))	(7) Number of articles	(8) Approximate weight	(9) Approximate value

(10) State the specific purpose for which the material is required _____

(11) License to be sent to { Name _____
Address: Street _____ City _____ State _____

(12) Consignee in United States { Name _____ Nationality _____
Address: Street _____ City _____ State _____

(12) Consignee in United States } Address: Street City State
 { Nature of business

License is hereby granted to the applicant mentioned herein to import into the United States of America from _____ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is **subject to revocation without notice.**
Shipment must be received at the port of entry within 4 months from date of this license as given below under the seal of the Department.

If partial shipments are received on this license, endorsements by the collectors of customs will be made below.

(11) Export licenses and export declarations covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a sea-going vessel, 24 hours before the lading of the vessel.

(12) Arms, ammunition, and implements of war covered by an export license must, when exported, be packed separately from all other goods.

(13) Articles entering a port of the United States for transshipment to a foreign country and articles in transit through the territory of the United States will not be considered as imported into the United States within the meaning of section 2 of the joint resolution.

(14) Rifles and revolvers entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 2 of the joint resolution. (This does not relieve the consignee from the obligation to comply with such of the regulations prescribed by the Secretary of the Treasury under the National Firearms Act of June 26, 1934, referred to in (6) above, as may be applicable in the premises.)

(15) Arms and ammunition intended exclusively for sporting or scientific purposes or for personal protection, when entering or leaving the United States carried on the person of an individual or in his baggage, will not be considered as imported or exported within the meaning of section 2 of the joint resolution.

(16) Arms and implements of war which have been legally exported from the United States and which are returned to the United States worn or damaged to be repaired will not be considered as imported within the meaning of section 2 of the joint resolution. An export license must be obtained, however, before such articles are reexported.

(17) Airplanes flown from the United States will not be considered as exported within the meaning of section 2 of the joint resolution when there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's proclamation of September 25, 1935, in any foreign country. Should the owners, after the departure of a plane flown from the United States without an export license, propose to dispose of the plane or any of the essential parts referred to, in any foreign country, the plane or the parts which it is proposed to dispose of must be returned to this country and an export license obtained before they are exported from the United States to the country in which it is proposed to dispose of them. Airplanes of American registry returning to the United States from foreign countries and airplanes of foreign registry entering the United

States in flight for a temporary sojourn will not be considered as imported within the meaning of section 2 of the joint resolution.

Section IV

RECORDS OF MANUFACTURE, EXPORT, AND IMPORT

The National Munitions Control Board prescribes that all persons required to register under section 2 of the joint resolution approved August 31, 1935, shall maintain, subject to the inspection of the duly authorized agents of the Board or of any other enforcement agency of the Government of the United States, and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar records of all arms, ammunition, and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.

Section V

SPECIAL PROVISIONS REGARDING MILITARY SECRETS

Title I of an act approved June 15, 1917, reads in part as follows:

"Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years . . . "

The Secretary of State will not issue an export license to cover the shipment of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in this act.

Section VI

SPECIAL PROVISIONS REGARDING NAVAL ARMAMENT

The Treaty for the Limitation of Naval Armament, concluded at Washington February 6, 1922, contains the following provisions in regard to the international traffic in vessels of war:

"ARTICLE XV.

"No vessel of war constructed within the jurisdiction of any of the Contracting Powers for a non-Contracting Power shall exceed the limitations as to displacement and armament prescribed by the present Treaty for vessels of a similar type which may be constructed by or for any of the Contracting Powers; provided, however, that the displacement for aircraft carriers constructed for a non-Contracting Power shall in no case exceed 27,000 tons (27,432 metric tons) standard displacement."

"ARTICLE XVIII.

"Each of the Contracting Powers undertakes not to dispose by gift, sale or any mode of transfer of any vessel of war in such a manner that such vessel may become a vessel of war in the Navy of any foreign Power."

The Secretary of State will not issue an export license to cover the exportation of a vessel of war constructed in violation of article XV, or for any vessel of war, the exportation of which would be in violation of article XVIII.

Section VII

SPECIAL PROVISIONS REGARDING CHINA, CUBA, HONDURAS, AND NICARAGUA

A joint resolution of Congress approved January 31, 1922, reads as follows:

" . . . That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

"SEC. 2. Whoever exports any arms or munitions of war in violation of section 1 shall, on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both."

Pursuant to the authority conferred by this joint resolution, a Presidential proclamation, which is still in effect, was issued on March 4, 1922, in respect to China, as follows:

“BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

“A PROCLAMATION

“WHEREAS, Section I of a Joint Resolution of Congress, entitled a ‘Joint Resolution To prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes,’ approved January 31, 1922, provides as follows:

“‘That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.’

“And whereas, it is provided by Section II of the said Joint Resolution that ‘Whoever exports any arms or munitions of war in violation of section 1 shall on conviction, be punished by fine not exceeding \$10,000, or by imprisonment not exceeding two years, or both.’

“Now, therefore, I, Warren G. Harding, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in China such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to China, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

“And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

“And I do hereby delegate to the Secretary of State the Power of prescribing exceptions and limitations to the application of the said Joint Resolution of January 31, 1922, as made effective by this my Proclamation issued thereunder.

"IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

"DONE at the City of Washington this fourth day of March in the year of our Lord one thousand nine hundred and [SEAL] twenty-two and of the Independence of the United States of America the one hundred and forty-sixth.

WARREN G HARDING

"By the President:

"HENRY P. FLETCHER

"*Acting Secretary of State.*"

Similar Presidential proclamations, which are still in effect, were issued on March 22, 1924, in respect of Honduras; on September 15, 1926, in respect of Nicaragua; and on June 29, 1934, in respect of Cuba.

In accordance with the authority conferred upon him in these proclamations, the Secretary of State announces that the exportation to China, Cuba, Honduras, and Nicaragua of the arms, ammunition, and implements of war listed in the President's proclamation of September 25, 1935, will be permitted only when the Department of State has been informed by the Chinese Embassy in Washington, the Cuban Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized.

The bringing about of notification to the Department of State through the appropriate embassy or legation that the government of an importing state desires that the exportation of a shipment be authorized is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.

In compliance with article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, which reads in part as follows:

"The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries."

and in compliance with the laws of Cuba which restrict the importation of arms, ammunition, and implements of war of all kinds by

requiring an import permit for each shipment, export licenses for shipments of arms, ammunition, and implements of war to Cuba are required for the articles enumerated below in addition to the articles enumerated in the President's proclamation of September 25, 1935:

(1) Arms and small arms using ammunition less than cal. 26.5, other than those classed as toys.

(2) Spare parts of arms and small arms of all kinds and calibers, other than those classed as toys, and of guns and machine guns.

(3) Ammunition for the arms and small arms under (1) above.

(4) Sabers, swords, and military machetes with cross-guard hilts.

(5) Explosives as follows: Explosive powders of all kinds for all purposes; nitrocellulose; diphenylamine; trinitrotoluene; tetryl; dynamite of all kinds; nitroglycerine; ammonal; ammonium picrate; alkaline nitrates (including ammonium, potassium, and sodium nitrate); nitric acid; nitrobenzene (essence or oil of mirbane); sulphur; sulphuric acid; chlorate of potash; picric acid; and acetones.

(6) Tear gas ($C_6H_5COCH_2Cl$) and other similar nontoxic gases and apparatus designed for the storage or the projection of such gases.

No export licenses will be issued for shipments destined to China, Cuba, Honduras, or Nicaragua of the appliances and substances listed under category VI in the President's proclamation of September 25, 1935.

Section VIII

SPECIAL PROVISIONS REGARDING BOLIVIA AND PARAGUAY

On May 28, 1934, the President issued the following proclamation:

“BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

“A PROCLAMATION

“WHEREAS section 1 of a joint resolution of Congress, entitled ‘Joint Resolution To prohibit the sale of arms or munitions of war in the United States under certain conditions’, approved May 28, 1934, provides as follows:

“‘That if the President finds that the prohibition of the sale of arms and munitions of war in the United States to those countries now engaged in armed conflict in the Chaco may contribute to the reestablishment of peace between those countries, and if after consultation with the governments of other American Republics and with their cooperation, as well as that of such other governments as he may deem necessary, he makes proclamation to that effect, it shall be unlawful to sell, except under such limitations and exceptions as the President prescribes, any arms or munitions of war in any place in the United States to the countries now engaged in that armed conflict, or to any person, company, or association acting in the interest of either country, until otherwise ordered by the President or by Congress.’

"AND WHEREAS, it is provided by section 2 of the said joint resolution that—

" 'Whoever sells any arms or munitions of war in violation of section 1 shall, on conviction, be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding two years, or both.'

"NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred in me by the said joint resolution of Congress, do hereby declare and proclaim that I have found that the prohibition of the sale of arms and munitions of war in the United States to those countries now engaged in armed conflict in the Chaco may contribute to the reestablishment of peace between those countries, and that I have consulted with the governments of other American Republics and have been assured of the cooperation of such governments as I have deemed necessary as contemplated by the said joint resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the joint resolution above set forth, hereby made applicable to Bolivia and Paraguay, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

"And I do hereby enjoin upon all officers of the United States charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

"And I do hereby delegate to the Secretary of State the power of prescribing exceptions and limitations to the application of the said joint resolution of May 28, 1934, as made effective by this my proclamation issued thereunder.

"IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

"DONE at the city of Washington this twenty-eighth day of May, in the year of our Lord nineteen hundred and [SEAL] thirty-four, and of the Independence of the United States of America the one hundred and fifty-eighth.

FRANKLIN D ROOSEVELT

"By the President:

"CORDELL HULL

"*Secretary of State.*"

No export licenses will be issued to cover the exportation to Bolivia or Paraguay of any of the arms, ammunition, or implements of war listed in the President's proclamation of September 25, 1935. In the case of shipments of arms, ammunition, and implements of war from the United States not ostensibly destined to Bolivia or Paraguay, the Secretary of State may require exporters to present convincing evidence that they are not destined to either of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

THE LIBRARY OF THE
NOV 23 1935
UNIVERSITY OF ILLINOIS

UNIVERSITY OF ILLINOIS

UNIVERSITY OF ILLINOIS-URBANA



3 0112 084230330